

3/1/2022 #54

(O-2022-76 REV.)
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ORDINANCE NUMBER O- 21439 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 11 2022

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 98.0502; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0410; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0211; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0623; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0311; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0455; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0720, RETITLING AND AMENDING SECTION 143.0742, AMENDING SECTION 143.0745, AND ADDING SECTION 143.0746; AMENDING CHAPTER 14, ARTICLE 3 BY ADDING DIVISION 13 AND ADDING SECTIONS 143.1301, 143.1303, 143.1305, 143.1307, 143.1310, AND 143.1315; AMENDING CHAPTER 14, ARTICLE 5 BY RETITLING DIVISION 40, AMENDING SECTION 145.4001, RETITLING AND AMENDING SECTIONS 145.4002 AND 145.4003, AND REPEALING SECTIONS 145.4004 AND 145.4005; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 151.0401; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY ADDING SECTION 155.0238; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0107, 1516.0112, 1516.0117, 1516.0122, AND 1516.0131, ALL RELATING TO THE HOMES FOR ALL OF US: HOUSING ACTION PACKAGE CODE UPDATE.

WHEREAS, this Ordinance, also known as the "Homes for All of Us: Housing Action Package," amends the San Diego Municipal Code, including the Land Development Code, to implement recent changes in state law and includes incentives to address local housing needs; and

WHEREAS, the Homes for All of Us: Housing Action Package aims to incentivize and promote new housing opportunities throughout the City for all income levels; and

WHEREAS, the Homes for All of Us: Housing Action Package will (1) incentivize the construction of more homes, focus development near transit, and create permanent affordability; (2) implement Senate Bill 9 (SB 9) by adding a new division to the Land Development Code; and (3) amend the existing Accessory Dwelling Unit regulations to align with the SB 9 regulations, and addresses community concerns; and

WHEREAS, SB 9 allows local agencies to tailor state requirements allowing up to four housing units on a single-family zoned lot to address local needs; and

WHEREAS, the Homes for All of Us: Housing Action Package includes tailored regulations to implement SB 9, including setback requirements, parking, urban tree canopy, and development impact fees; and

WHEREAS, the Homes for All of Us: Housing Action Package amends the Land Development Code to implement SB 9, to align its requirements with the City's existing Accessory Dwelling Unit regulations, and to address community concerns; and

WHEREAS, the Homes for All of Us: Housing Implementation Package also seeks to incentivize housing for San Diegans of all income levels through a variety of programs and incentives, including: affordable housing in all communities, an employee housing incentive program, live/work flexibility, facilitating new housing at City facilities, a housing accessibility program, housing for families of all sizes, building permit timeline adjustments, and affordable housing permit regulations; and

WHEREAS, City staff conducted extensive analysis and public outreach involving multiple stakeholder groups, City departments, and other governmental agencies in creating the Homes for All of Us: Housing Action Package; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 9, Article 8, Division 5 of the San Diego Municipal Code is amended by amending section 98.0502, to read as follows:

§98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is established a fund to be known as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds received from the commercial development linkage fees paid to the City pursuant to Chapter 9, Article 8, Division 6 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code; funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and applicable Council policies.
- (b) There is also established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code and funds received

from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code, all funds received by the Affordable Housing Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

- (c) There is also established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code, funds received from in lieu fees paid to the City, and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

Section 2. That Chapter 12, Article 5, Division 4 of the San Diego Municipal Code is amended by amending section 125.0410, to read as follows:

§125.0410 When a Tentative Map Is Required

A *tentative map* is required for each *subdivision* of land except for a *parcel map* that creates no additional *lots* or a *lot* created pursuant to Section 143.1315 as an urban *lot* split.

Section 3. That Chapter 12, Article 9, Division 2 of the San Diego Municipal Code is amended by amending section 129.0211, to read as follows:

§129.0211 Closing of Building Permit Application

- (a) [No change in text.]
- (b) The application file for City projects and for residential master planned *developments* shall be closed after two years have elapsed since the date the Building Permit application is *deemed complete*. For the purposes of this section, residential master planned *developments* are residential *developments* submitted with one or more building types constructed in phases on one or multiple *lots*.
- (c) through (e) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 131.0622 and 131.0623, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, <i>Rooming House</i> [See Section 131.0112(a)(3)(A)]		[No change in text.]									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
<i>Shopkeeper Units</i>		[No change in text]		P ⁽¹⁵⁾	[No change in text.]						
<i>Single Dwelling Units through Separately Regulated Residential Uses, Junior Accessory Dwelling Units</i>		[No change in text.]									
Live/Work Quarters		[No change in text]		P ⁽¹⁵⁾	[No change in text.]						
Low Barrier Navigation Center through Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>		[No change in text.]									

Footnotes for Table 131-06B

[No change in text.]

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined *gross floor area* for the uses identified in

Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the allowable *gross floor area* of the *premises*.

(a) through (i) [No change in text.]

(j) To encourage and facilitate living in closer proximity to employment opportunities, residential uses in the IP-3-1 zone are permitted subject to the following regulations:

(1) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan subject to the following:

(A) Residential *development* shall not exceed a maximum of 49 percent of the total *lot* area within the Business Park - Residential Permitted CPIOZ or, in other areas, a maximum of 49 percent of the *gross floor area* of the *premises*; and

(B) Residential *development* shall comply with the *development* regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan, except that the *lot* area, *lot* dimensions, *floor area ratio*, and *setback* requirements of the IP-3-1 zone shall apply.

(2) Residential *development* is permitted outside of the Business Park - Residential Permitted CPIOZ as follows:

(A) Live/work quarters in accordance with Section 141.0311.

- (B) *Shopkeeper units* may include space for uses in accordance with Section 131.0623(j)(2)(C) and shall comply with the Live/Work quarters regulations in Section 141.0311.
- (C) A maximum of 49 percent of the *gross floor area* on the *premises* may be used for residential uses. At least 51 percent of the *gross floor area* on the *premises* shall be used for Retail Sales, Commercial Services, Artisan Food and Beverage Producer, Offices, Research and Development, or Light Manufacturing.
- (D) The residential area and the business area must be occupied by the same tenant and no portion of the residential area shall be rented or sold separately.
- (E) The residential area is permitted above, adjacent to, or behind the business area, provided that there is internal access between the residential area and business area.

(k) through (n) [No change in text.]

Section 5. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 141.0302 and 141.0311, to read as follows:

§141.0302 *Accessory Dwelling Units and Junior Accessory Dwelling Units*

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing

bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The following definitions apply to this section:

- (1) Single Dwelling Unit Zone means a zone that permits *single dwelling units* but does not permit *multiple dwelling units*.
- (2) Multiple Dwelling Unit Zone means a zone that permits *multiple dwelling units*.

(b) The following regulations are applicable to both *ADUs* and *JADUs*:

(1) Use Regulations

- (A) One *ADU* and one *JADU* are permitted on a *premises* located within a Single Dwelling Unit Zone with an existing or proposed *single dwelling unit*.

(B) through (C) [No change in text.]

- (D) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted to be constructed on any *premises* that has utilized the provisions of Chapter 14, Article 3, Division 13, Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones, except as provided in Section 143.1305(c)(1).

(2) *Development* Regulations

(A) through (C) [No change in text.]

(D) An *ADU* or *JADU* that is converted from an existing *dwelling unit* or *accessory structure* or is constructed in the same location and within the same *building envelope* as an existing *dwelling unit* or *accessory structure* may continue to observe the same *setbacks* as the existing *dwelling unit* or *accessory structure*.

(E) *ADU* and *JADU* structures must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setbacks for new *ADU* and *JADU* structures shall be provided as follows:

(i) One-story *ADUs* or *JADUs* with a structure height 16 feet or less may observe a zero-foot setback at the interior side yard and rear yard.

(ii) One-story *ADUs* or *JADUs* with a structure height that exceeds 16 feet and multi-story *ADU* or *JADU* structures may observe zero-foot interior side yard and rear yard setbacks, unless the side or rear property line abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

(F) The following landscape regulations shall apply to the construction of an *ADU* or *JADU*:

- (i) If construction of an *ADU* or *JADU* that would bring the number of *ADUs* or *JADUs* on the *premises* to a total of two or more is proposed, two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
 - (ii) *ADUs* constructed in accordance with Section 141.0302(c)(2)(C) shall comply with the street tree requirements in Section 142.0409(a).
 - (G) *ADUs* and *JADUs* shall not be required to provide fire sprinklers if they are not required for the primary *dwelling unit*. When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a *ADU* or *JADU* shall be protected with an automatic fire sprinkler system.
 - (H) Construction of an *ADU* or *JADU* shall not require the correction of *previously conforming* conditions on the *premises*.
- (3) Parking Regulations

(A) through (B) [No change in text.]

(C) Notwithstanding 141.0302(b)(2)(H), if the construction of an *ADU* or *JADU* causes an existing driveway curb cut to no longer comply with the dimensions required in Table 142-05K of Section 142.0560 for an *off-street parking space*, the driveway shall be closed to the satisfaction of the City Engineer.

(4) [No change in text.]

(c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:

(1) [No change in text.]

(2) *Development Regulations for ADUs*

(A) [No change in text.]

(B) One *ADU* shall be permitted in a Single Dwelling Unit Zone on a *premises* with an existing or proposed *single dwelling unit*.

(C) On a *premises* located in a Single Dwelling Unit Zone with an existing *multiple dwelling unit*, or a *premises* located in a Multiple Dwelling Unit Zone with an existing or proposed *dwelling unit*, *ADUs* shall be permitted as follows:

(i) Two *ADUs* that are attached to and/or detached from an existing or proposed *structure* are permitted; and

- (ii) The number of *ADUs* permitted within the habitable area of an existing *dwelling unit structure* is limited to 25 percent of the total number of existing *dwelling units* in the *structure*, but in no case shall it be less than one *ADU*; and
 - (iii) There is no limit on the number of *ADUs* permitted within the portions of existing *dwelling unit structures* and *accessory structures* that are not used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each *ADU* complies with state building standards for *dwelling units*.
- (D) An *ADU* with a *gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, and minimum open space requirements. The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case an *ADU* that does not exceed 800 square feet shall be permitted.
- (E) through (G) [No change in text.]

(d) In addition to the requirements in Section 141.0302(a), *Junior Accessory Dwelling Units* are subject to the following additional regulations:

(1) [No change in text.]

(2) *Development Regulations*

(A) One *JADU* is permitted on a *premises* located within a Single Dwelling Unit Zone with an existing or proposed primary *single dwelling unit*.

(B) through (C) [No change in text.]

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces designed to integrate living space into the workspace and are primarily designed for industrial or commercial occupancy.

Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) [No change in text.]

(b) The minimum floor area used or arranged for non-residential purposes shall be 100 square feet.

(c) through (h) [No change in text.]

Section 6. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 142.0640, to read as follows:

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees for *development* that would increase demand for public facilities and/or result in the need for new public facilities. Development Impact Fees shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13, if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The Development Impact Fee required by the City Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters* are exempt from DIF, except as follows:
 - (A) The first two *Accessory Dwelling Units* on a *premises* are exempt from the requirement to pay DIF, regardless of the *gross floor area* of the *Accessory Dwelling Unit*, unless the *Accessory Dwelling Units* are constructed in accordance

with Section 143.1305(c)(1), in which case payment of DIF will be required in accordance with Section 142.0640(b)(1)(B).

- (B) *Accessory Dwelling Units* that are 750 or more square feet in *gross floor area* and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit* rate, which shall be scaled in accordance with Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and with Table 142-06A based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the primary *dwelling unit* on the *premises* at the *multiple dwelling unit* rate, whichever results in the lower DIF. The DIF for the *Accessory Dwelling Unit* shall not exceed the DIF for the primary *dwelling unit*.
- (C) Notwithstanding Sections 142.0640(b)(1)(A) and (B), *Accessory Dwelling Units* on a *premises* in which the *record owner* agrees to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of building permit issuance for the *Accessory Dwelling Unit* are exempt from the requirement to pay DIF. Prior to the issuance of the building permit, the *record owner* shall sign an affidavit acknowledging the *record*

owner intends to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of issuance of the building permit for the *Accessory Dwelling Unit*. The affidavit shall be in a form that is approved by the City and recorded in the Office of the County Recorder. This requirement shall not apply to a *record owner* that is a community land trust, as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation as described in California Revenue and Taxation Code Section 214.15.

(2) through (5) [No change in text.]

- (6) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The second and third *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance

with Resolution No. R-313688, adopting the Citywide Park
Development Impact Fee and Table 142-06A, based upon the
dwelling unit size.

Table 142-06A

Scaled Development Impact Fee Rate for Specified Residential Development

Unit Size (SF)	Scaled Fee Rate
1,251 >	Full Fee
1,201 - 1,250	99%
1,151 - 1,200	97%
1,101 - 1,150	95%
1,051 - 1,100	92%
1,001 - 1,050	90%
951 - 1,000	87%
901 - 950	85%
851 - 900	83%
801 - 850	80%
751 - 800	78%
701 - 750	76%
651 - 700	73%
601 - 650	71%
551 - 600	68%
501 - 550	66%

(c) through (g) [No change in text.]

Section 7. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code is
amended by amending section 142.1305, to read as follows:

§142.1305 Methods of Compliance

- (a) The requirement to provide inclusionary *dwelling units* may be met in any
of the following ways:

(1) through (2) [No change in text]

(3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a *transit priority area*, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households;

(4) through (6) [No change in text.]

(b) through (c) [No change in text.]

Section 8. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code is amended by amending sections 143.0402 and 143.0455, to read as follows:

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾⁽³⁾	[No change in text.]	[No change in text.]

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations ⁽³⁾	[No change in text.]	[No change in text.]
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested ⁽⁶⁾	143.0403, 143.0465	PDP/Process 3
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone ⁽⁵⁾	[No change in text.]	[No change in text.]
<i>Multiple dwelling unit development</i> requesting increased <i>density</i> where the <i>land use plan</i> expressly allows for increased <i>density</i> with the approval of a Planned Development Permit ⁽³⁾⁽⁶⁾	143.0403, 143.0410, 143.0455	PDP/Process 4
Rural cluster <i>development</i> in the AR and OR zones	[No change in text.]	[No change in text.]
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽⁴⁾	[No change in text.]	[No change in text.]
Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	[No change in text.]	[No change in text.]

Footnotes for Table 143-04A

¹ through ⁵ [No change in text.]

⁶ *Development* utilizing the increased *density* alternative expressly allowed in the *land use plan* in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased *density* alternative pursuant to the adopted *land use plan*.

§143.0455 Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan

In addition to the general regulations for all Planned Development Permits in Section 143.0410(j)(5) through (11), the following regulations apply to *multiple dwelling unit development* that requests approval of increased *density* where the *land use plan* expressly allows for increased *density* with approval of a Planned Development Permit. It is the intent of these regulations to provide increased *density* in pedestrian-friendly *development* that is consistent with the planned character of the neighborhood as specified in the *land use plan*.

(a) *Density*

(1) [No change in text.]

(2) Utilization of this increased *density* alternative pursuant to the adopted *land use plan* shall not preclude the use of the state density bonus program, where applicable. *Development* utilizing the increased *density* alternative expressly allowed in the *land use plan* in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased *density* alternative pursuant to the adopted *land use plan*.

(b) [No change in text.]

Section 9. That Chapter 14, Article 3, Division 7 of the San Diego Municipal Code is amended by amending section 143.0720, retitling and amending section 143.0742, amending section 143.0745, and adding section 143.0746, to read as follows:

§143.0720 Density Bonus in Exchange for Affordable Housing Units

(a) through (h) [No change in text.]

- (i) A *density* bonus agreement for a *development* within a *transit priority area* providing 100 percent of the total *pre-density* bonus and *post-density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households shall utilize the following qualifying criteria:

(1) [No change in text.]

- (2) Rents for all *dwelling units* in the *development* shall be established as follows:

(A) through (B) [No change in text.]

- (C) *Moderate income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *moderate income* households at a rent that does not exceed 30 percent of 110 percent of the area median income, except that 20 percent of the *dwelling units* may be affordable up to 30 percent of 150 percent of the area median income, if those units contain at least three *bedrooms*.

(3) through (4) [No change in text.]

(j) through (k) [No change in text.]

- (l) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

(1) [No change in text.]

- (2) For *development* meeting the criteria for *very low income* households in Section 143.0720(c)(1), the *density* bonus shall be

calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

(3) For *development* meeting the criteria for *low income* households in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

(4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(c) and (d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division.

(5) through (14) [No change in text.]

(15) For *development* that meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where at least 20 percent of the total *dwelling units* are three *bedrooms* or greater, an additional *density* bonus of 20 percent shall be granted and an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, if the *density* bonus *dwelling units* provided contain at least three *bedrooms*.

(m) through (n) [No change in text.]

§143.0742 Incentives for Non-Residential Development

The Employee Housing Incentive Program shall be implemented in accordance with this section. An *applicant* for non-residential *development* as defined in this section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

(a) Eligible Non-residential *Development*.

- (1) The non-residential *development* shall be located in a *transit priority area*.
- (2) For purposes of this section, non-residential *development* includes all subcategories within the Retail Sales, Commercial Services, and Office use categories, and the Light Manufacturing and Research & Development subcategories within the Industrial use category in accordance with Section 131.0122(a), but does not include Separately Regulated Uses within these use categories.

(b) Incentives shall be consistent with Sections 143.0740(a)(1), 143.0740(b)(1)-(3), and 143.0740(c), with the following exceptions:

- (1) Incentives may not be used to deviate from minimum *floor area ratio* requirements for residential uses.
- (2) *Floor area ratio* may not be increased by more than 1.5.

§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

- (a) [No change in text.]
- (b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) and (c) may be approved with a Process Four Planned Development Permit in accordance with Section 126.0604.
- (c) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a *transit priority area*, an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households.
- (d) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total *bedroom* count as the *development*. The *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums.
- (e) The *applicant*, prior to the issuance of the first building permit for the *development*, shall secure the required number of off-site affordable *dwelling units* and enter into an agreement(s) with the President and Chief Executive Officer of the San Diego Housing Commission establishing the same terms and conditions set forth in Section 143.0720 for similar affordable *density bonus dwelling units*.

- (f) Off-site affordable *dwelling units* may be located in an existing *structure(s)*, provided the *applicant* provides evidence that the existing *structure* has a remaining useful life of at least 55 years from the issuance of a Certificate of Occupancy pursuant to Section 143.0745(f)(2)(B) and complies with current Building Code standards, to the satisfaction of the City Manager. Off-site affordable *dwelling units* that are occupied at the time the application is *deemed complete* shall comply with the State Relocation Act pursuant to Government Code Section 7260.
- (g) Prior to the issuance of the first building permit, the applicant shall record a deed restriction against the off-site development that:
 - (1) through (2) [No change in text.]

§143.0746 Affordable Housing in All Communities

- (a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas.
Affordable housing may be permitted in High or Highest Resource California Tax Credit Allocation Committee Areas in accordance with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:
 - (1) The *development* proposes to construct one or more of the following:

- (A) A *multiple dwelling unit development* in which at least 100 percent of the total *dwelling units*, exclusive of a manager's unit or units, are covenant-restricted as affordable to *very low income, low income, or moderate income* households;
 - (B) *Permanent supportive housing*;
 - (C) Transitional housing; or
 - (D) An emergency shelter.
- (2) The *premises* is located within all of the following:
- (A) A *transit priority area*;
 - (B) An area identified as a High or Highest Resource CTCAC Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps;
 - (C) A community planning area in which less than 5 percent of the existing *dwelling units* are covenant-restricted to *very low income, low income, or moderate income* households; and
 - (D) Outside of an area identified as Industrial or Open Space in a *land use plan*.
- (3) The residential *density* shall be determined for the applicable portion of the *premises* as follows:
- (A) Within Mobility Zone 1 (the Downtown Community Planning Area), the *density* and *floor area ratio* shall be unlimited.

- (B) Within a community planning area that meets the definition of Mobility Zone 3 as defined in Section 143.1103(a)(3), *density* shall be limited by a maximum *floor area ratio* of 6.5.
- (C) Within a community planning area that meets the definition of Mobility Zone 4 as defined in Section 143.1103(a)(4), *density* shall be limited by a maximum *floor area ratio* of 4.0.
- (4) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone with the exception of *density, floor area ratio, lot area*, and *lot dimensions* which shall comply with the base zone.
- (5) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.
- (6) *Development* shall comply with the regulations of the Airport Land Use Compatibility Zone.
- (7) *Dwelling units* shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.
- (b) Affordable housing may be permitted on a *premises* owned by a public agency or a qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with Process One on a *premises* located within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:

- (1) The application for the *premises* is submitted by a person that has the authority to fill out an application in accordance with Section 112.0102 and is a public agency or a qualified nonprofit corporation qualified under Section 501(c)(3) of the Internal Revenue Code.
- (2) The *development* includes one of the following:
 - (A) A *multiple dwelling unit development* in which at least 25 percent of the total *dwelling units*, exclusive of a manager's unit or units, are covenant-restricted as affordable to *very low income, low income, or moderate income* households;
 - (B) *Permanent supportive housing*;
 - (C) Transitional housing; or
 - (D) An emergency shelter.
- (3) The *premises* is located:
 - (A) Within Mobility Zone 1, 2, or 3 as defined in Section 143.1103(a); and
 - (B) Outside of an area identified as Industrial or Open Space in a *land use plan*.
- (4) The residential *density* shall be determined for the applicable portion of the *premises* as follows:
 - (A) Within Mobility Zone 1, (the Downtown Community Planning Area), the *density* and *floor area ratio* shall be unlimited.

- (B) Within an area as defined in Section 143.1103(a)(2) as
Mobility Zone 2, *density* shall be limited by a maximum
floor area ratio of 6.5.
- (C) Within an area as defined in Section 143.1103(a)(3) as
Mobility Zone 3, *density* shall be limited by a maximum
floor area ratio of 4.0.
- (5) Residential *development* shall comply with the *development*
regulations of the RM-2-5 zone with the exception of *density, floor*
area ratio, lot area, and *lot dimensions* which shall comply with
the base zone.
- (6) *Development* consistent with the criteria in this section shall be
entitled to incentives and waivers in accordance with Sections
143.0740 through 143.0743.
- (7) *Development* shall comply with the regulations of the Airport Land
Use Compatibility Zone.
- (8) *Dwelling units* shall remain available and affordable for a period of
55 years or longer, as may be required by other laws or covenants.

Section 10. That Chapter 14, Article 3, of the San Diego Municipal Code is amended by adding Division 13 and adding sections 143.1301, 143.1303, 143.1305, 143.1307, 143.1310, and 143.1315, to read as follows:

**Division 13: Multi-Dwelling Unit and Urban Lot Split Regulations
for Single Family Zones**

**§143.1301 Purpose of the Multi-Dwelling Unit and Urban Lot Split Regulations for
Single Family Zones**

These regulations are intended to implement California Senate Bill 9 (2021-2022) and California Government Code Sections 65852.21, 66411.7 and 66452.6 by allowing the construction of *multiple dwelling units* in single-family zones and/or an urban *lot* split, as specified in this Division. These regulations specify when and how *multiple dwelling unit development* may be constructed in a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*. These regulations also specify when and how a single *premise* may be split into two *premises* that can be developed and conveyed separately when located within a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*.

**§143.1303 Application of Multi-Dwelling Unit and Urban Lot Split Regulations in
Single Dwelling Unit Zones**

- (a) This Division applies to *premises* located within a RS, RE, RX, RT and Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, except as prohibited in Section 143.1303(b).
- (b) This Division is not applicable in the following circumstances:
 - (1) When the *premises* is located within any of the following:
 - (A) Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps

prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;

- (B) *Wetlands*;
- (C) The Very High Fire Hazard Severity Zone, unless the *development* complies with Chapter 7A of the California Building Code, which mitigates wildfire exposure risk through materials and construction methods;
- (D) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
- (E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the California State Geologist, unless the *development* complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law

(Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the Development Services Department;

- (F) *Special Flood Hazard Areas*, unless:
- (i) The *premises* has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - (ii) The *premises* meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (G) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the *development* has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an *applicant* is able to satisfy all applicable federal qualifying criteria in order to provide that the *premises* satisfies this subparagraph and is

otherwise eligible for streamlined approval under this section, an application shall not be denied on the basis that the *applicant* did not comply with any additional City permit requirement, standard, or action that is applicable to that *premises*;

- (H) The *MHPA* of the *MSCP Subarea Plan*;
 - (I) *Environmentally Sensitive Lands* conserved by dedication in fee title, covenant of easement, or conservation easement; or
 - (J) A *historical district* that is a *designated historical resource*, or on a *premises* that contains a *designated historical resource*.
- (2) If the *development* requires demolition or alteration of any of the following:
- (A) A *dwelling unit* that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of *moderate income*, *low income*, or *very low income*.
 - (B) A *dwelling unit* that has been occupied by a tenant in the last three years.
- (3) If the *premises* contains *SRO hotel rooms* or other *dwelling units* that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 15-year period preceding the application.

- (4) If the *development* requires the demolition of more than 25 percent of the existing exterior structural walls of a *dwelling unit*, unless the *premises* has not been occupied by a tenant in the last three years prior to application submittal.

§143.1305 Utilizing the Provisions of this Division

- (a) An *applicant* seeking to utilize the provisions of this Division may use the *multiple dwelling unit* provisions of Section 143.1310, the urban *lot split* provisions of Section 143.1315, or a combination of both in compliance with the applicable regulations.
- (b) An application to utilize the provisions of this Division may be denied if the City makes a written *finding* based upon a preponderance of the evidence that the *development* would have a specific, adverse impact upon public health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete*. The following shall not constitute a specific, adverse impact upon the public health or safety:
- (1) Inconsistency with a zoning ordinance or *land use plan* designation.
- (2) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.

- (c) This Division may be utilized in conjunction with *Accessory Dwelling Unit development* consistent with the following regulations:
- (1) An *applicant* utilizing only the *multiple dwelling unit* provisions of Section 143.1310 and not the urban *lot split* provisions of Section 143.1315 may construct two attached or detached *Accessory Dwelling Units* in addition to the two *dwelling units* permitted in accordance with Section 143.1310.
 - (A) The *Accessory Dwelling Units* shall comply with the regulations in Section 141.0302, except that no more than two *Accessory Dwelling Units* shall be permitted on the *premises*.
 - (B) Under no circumstances shall the total number of *dwelling units* on the *lot*, inclusive of *Accessory Dwelling Units*, exceed four.
 - (2) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted on a *premises* that proposes to utilize or has utilized both the *multiple dwelling unit* provisions of Section 143.1310 and the urban *lot split* provisions of Section 143.1315.
 - (A) If an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* exists on a *premises* that proposes to utilize the provisions of both Section 143.1310 and 143.1315, the *Accessory Dwelling Unit* must be removed or converted to one of the *multiple dwelling units* permitted under Section 143.1310.

- (B) Under no circumstances shall the total number of *dwelling units* across the two *lots* resulting from Section 143.1315 exceed four.

§143.1307 Rental of Dwelling Units Constructed in Accordance with this Division

A *dwelling unit* constructed in accordance with this Division shall not be rented for fewer than 31 days.

§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two *dwelling units* may be permitted on a *premises* within a RS, RE, RX, RT and Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, in accordance with the following regulations:

- (a) The *development* regulations of the base zone in which the *premises* is located shall apply, except as specified in this section.
- (1) *Density* Regulations. The maximum permitted *density* shall be two *dwelling units* per *lot*. The *dwelling units* may be attached to or detached from one another, provided that the *structure(s)* meet California Building Code safety standards and are constructed sufficiently to allow separate conveyance.
- (2) *Setback* Regulations
- (A) No *setback* is required for an existing *structure* that is converted to a *dwelling unit*. In addition, a *dwelling unit* that is constructed in the same location and within the same *building envelope* as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced.

- (B) Except as provided in Section 143.1310(a)(2), *dwelling units* must comply with the front yard and *street side yard setbacks* of the base zone. Interior side *yard* and rear *yard setbacks* for *dwelling units* shall be provided as follows:
 - (i) One-story *dwelling units* with a *structure height* of 16 feet or less may have zero *setbacks* in the interior side *yards* and rear *yards*.
 - (ii) One-story *dwelling units* with a *structure height* that exceeds 16 feet and multi-story *dwelling units* may have zero *setbacks* in the interior side *yards* and rear *yards*, unless the side or rear *property line* abuts another *premises* that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot *setback* shall apply.
- (3) Parking Regulations
 - (A) Within a *transit priority area*, no *off-street parking spaces* are required.
 - (B) Outside of a *transit priority area*, *off-street parking spaces* shall be provided as follows:
 - (i) One *off-street parking space* per *dwelling unit* shall be required for the construction of the third and fourth *dwelling units*. *Off-street parking spaces* are not required for the first two *dwelling units*.

- (ii) Within the Beach Impact Area of the Parking Impact Overlay Zone, one *off-street parking space* shall be required per *dwelling unit* unless the *applicant* can demonstrate to the satisfaction of the City Manager that there is access to a car share or other shared vehicle within one block of the *premises*.
- (4) Landscape Regulations
 - (A) Two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. This regulation can be met by existing trees on the *premises*. If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
 - (B) If *development* would result in more than two *dwelling units* within the two *premises* permitted by this Division, then compliance with the street tree regulations pursuant to Section 142.0409 is required.
- (5) Supplemental Regulations within Areas of Future Sea Level Rise
 - (A) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level

rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:

- (i) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
- (iii) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City, acknowledge the following: (1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the *premises*; (3) that the boundary between public land (tidelands) and private land may shift

with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and (5) that the *dwelling unit* may be required to be removed or relocated and the site restored if it becomes unsafe; and further the *record owner* shall waive any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.

- (iv) The *record owner* of the *dwelling unit* shall provide notice to all occupants, upon occupancy, of the *dwelling unit* of the provisions in Section 143.1310(a)(5)(A)(iii).

- (6) Development Impact Fees for *development* constructed in accordance with this Division shall comply with Section 142.0640(b).

- (b) Notwithstanding Section 143.1310(a), a second *dwelling unit* with a maximum *gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit*, regardless of non-compliance with one or more *development* regulations. The *development* shall comply with the *floor area ratio* of the underlying base

zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case a second *dwelling unit* that does not exceed 800 square feet shall be permitted.

§143.1315 Urban Lot Splits in a Single Dwelling Unit Zone

An urban *lot* split is a *lot* split that divides an existing single *premises* into no more than two separately conveyable *premises* in a zone that allows *single dwelling unit development*, but not *multiple dwelling unit development*, and may be permitted, subject to the following regulations:

- (a) An urban *lot* split shall be permitted in accordance with a Process One *parcel map* and shall comply with Chapter 14, Article 4, Division 2, except that dedications of *public rights-of-way* or the construction of offsite improvements for the parcels being created and the correction of nonconforming *development* regulations of the base zones are not required.
- (b) The expiration of the subdivision shall be in accordance with Government Code Section 66452.6.
- (c) The urban *lot* split provisions of this section may not be used if any of the following apply:
 - (1) The *lot* was established through a prior urban *lot* split in accordance with this section. A *lot* may only be split once in accordance with this section. *Lots* created pursuant to this section are ineligible for any further subdivision.

- (2) The *record owner* or any person acting in concert with the *record owner* has previously subdivided an adjacent *lot* using an urban *lot* split in accordance with this section.
- (d) Only residential uses are permitted on a *lot* that was created by the urban *lot* split provisions of this section.
- (e) Prior to the recordation of the *parcel map*, the *record owner* shall sign an affidavit acknowledging the *record owner* intends to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of the approval of the urban *lot* split. The affidavit shall be in a form that is approved by the City and recorded in the Office of the County Recorder. This requirement shall not apply to a *record owner* that is a community land trust, as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation as described in California Revenue and Taxation Code Section 214.15.
- (f) The *development* regulations of the base zone in which the *lot* is located shall apply, except as specified in Section 143.1310(a) and this section.
 - (1) The minimum *lot* area and minimum *lot* dimensions regulations of the base zone shall not apply and are replaced with the following regulations:
 - (A) The two *lots* shall be approximately equal in size, provided that one *lot* shall not be smaller than 40 percent of the *lot* area of the original *lot*.
 - (B) The two *lots* shall each be no smaller than 1,200 square feet.

- (C) If the *lot* contains existing *structures* that will remain as part of the *development*, the *lot* shall be split in a manner that complies with or comes as close as possible to compliance with the *floor area ratio* of the underlying base zone, consistent with Section 143.1315(f)(1)(A) and (B).
- (2) A *lot* should be subdivided in a manner that complies with the *street frontage* and driveway width requirements of the base zone wherever feasible. *Development* that does not comply with the *street frontage* and driveway width requirements of the base zone shall record an access easement on the *lot* to the satisfaction of the City Engineer.
- (g) Notwithstanding Section 143.1315(f), an urban *lot* split and construction of a second *dwelling unit* with a maximum *gross floor area* of 800 square feet shall be permitted on each of the *lots* created by an urban *lot* split, regardless of non-compliance with one or more *development* regulations, subject to the following:
- (1) The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case a second *dwelling unit* that does not exceed 800 square feet shall be permitted.
- (2) The *development* shall comply with the *lot* size requirements in Section 143.1315(f)(1).

Section 11. That Chapter 14, Article 5, Division 40 of the San Diego Municipal Code is amended by retitling Division 40, amending section 145.4001, retitling and amending sections 145.4002 and 145.4003, and repealing sections 145.4004 and 145.4005, to read as follows:

Article 5: Building Regulations

Division 40: Housing Accessibility Program

§145.4001 Purpose

The purpose of the Housing Accessibility Program is to encourage accessible residential *development* above the requirements pursuant to the California Building Code, and to increase the number of accessible *dwelling units* in the local housing supply that meet long term housing needs by offering incentives that facilitate this type of accessible design for people of all abilities. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, as well as allowing those persons to visit neighboring *dwelling units*.

§145.4002 When the Housing Accessibility Program Applies

- (a) The following residential *development* is eligible for the Housing Accessibility Program:
- (1) *Development* of a *multiple dwelling unit structure* up to five *stories* that provides an elevator to all *stories*.
 - (2) *Development* of multi-story townhomes or duplexes that exceed the accessibility requirements of the California Building Code (Chapter 11A) and include the following: a primary entrance, at least one accessible bathroom, at least one accessible *kitchen*, at

least one accessible *bedroom*, and at least one accessible living room on an accessible route.

(3) *Development* exempt from accessibility requirements of the California Building Code (Chapter 11A).

(b) *Development* with *dwelling units* receiving deviations for *reasonable accommodations* in accordance with Section 131.0466 are not eligible for the Housing Accessibility Program.

§145.4003 Housing Accessibility Program Regulations and Development Incentives

(a) Incentives granted solely under the Housing Accessibility Program in accordance with Section 145.4003(e) shall not require approval of a deviation from the underlying base zone.

(b) [No change in text.]

(c) An incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program* and *development* regulations of the Environmentally Sensitive Lands Regulations.

(d) An incentive shall not be granted where it conflicts with State laws and regulations.

(e) The following types of *development* may be granted incentives in accordance with this section:

(1) A *multiple dwelling unit development* that provides an elevator to all *floors* in a *multiple dwelling unit structure* shall be entitled to three incentives listed in Section 145.4003(f).

- (2) An accessible multi-story *dwelling unit* that exceeds the housing accessibility requirements of the California Building Code (Chapter 11A) and Section 145.4002(a)(2) by at least 25 percent of the total number of *dwelling units* shall be eligible for two incentives listed in Section 145.4003(f).
- (3) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) by two accessible *dwelling units* shall be eligible for three incentives listed in Section 145.4003(f).
- (4) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) and Section 145.4002(a)(2) by three or more accessible *dwelling units* shall be eligible for four incentives listed in Section 145.4003(f).

(f) Incentives

An *applicant* for *development* eligible for incentives pursuant to Section 145.4003(e) may select from the following incentives:

- (1) *Setback* regulations may be reduced by up to 15 percent for the building with the elevator.
- (2) *Lot coverage* regulations may be exceeded by up to 15 percent.
- (3) A *floor area ratio* bonus up to a maximum of 25 percent for the building with the elevator.
- (4) The applicable maximum *structure height* regulations may be exceeded by up to 15 feet for the building with the elevator. The

maximum *structure height* may not exceed height limit allowed within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within airport influence areas designated by the Federal Aviation Administration.

- (5) A *density* bonus up to 10 percent based on the *pre-density* bonus *dwelling units* for the entire *development*. This *density* bonus is in addition to any other *density* bonuses for which the *development* is eligible.

Section 12. That Chapter 15, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 151.0401, to read as follows:

§151.0401 Uses Permitted in the Planned Districts

- (a) [No change in text.]
- (b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of the following uses, which shall be permitted as a Process One *construction permit* in all planned district zones that permit the use as either a limited or conditional use:
 - (1) *Accessory Dwelling Units and Junior Accessory Dwelling Units* shall be permitted in accordance with the regulations in Section 141.0302.
 - (2) Transitional housing facilities shall be permitted in accordance with the regulations in Section 141.0313.

(3) *Permanent supportive housing* shall be permitted in accordance with the regulations in Section 141.0315.

(c) [No change in text.]

(d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of *Accessory Dwelling Units, Junior Accessory Dwelling Units*, transitional housing facilities and *permanent supportive housing*, which shall be permitted in accordance with Section 151.0401

Section 13. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development CodeSection 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and SeparatelyRegulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1- ⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, <i>Single Dwelling Units</i>		[No change in text.]									

Separately Regulated Residential Uses			
<i>Accessory Dwelling Units</i>	L	L	L
Continuing Care Retirement Communities through Home Occupations	[No change in text.]		
<i>Junior Accessory Dwelling Units</i>	-	-	-
Separately Regulated Residential Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee	[No change in text.]		

Footnotes for Table 155-02C

[No change in text.]

Section 14. That Chapter 15, Article 16, Division 1 of the San Diego Municipal Code is amended by amending sections 1516.0107, 155.0112, 1516.0117, 1516.0122, and 1516.0131, to read as follows:

§1516.0107 Administration and Permits

(a) through (c) [No change in text.]

Table 1516-01A
Type of Development Proposal and Applicable Regulations

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
1.	[No change in text.]		
2.	[No change in text.]		
3.	<ul style="list-style-type: none">• Re-roofing (where the existing roofing material, roof structure, or roof diaphragm is altered)• Repainting or recoloring of exterior surfaces where the existing exterior building color is altered• Any addition to or alteration of any non-historical structure which is <i>minor in scope</i>.• New construction of any non-habitable accessory structure that does not exceed	[No change in text.]	[No change in text.]

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
	100 square feet in gross floor area and that would not be visible from the public right-of-way. <ul style="list-style-type: none"> Conversion of existing habitable or non-habitable areas to an <i>Accessory Dwelling Unit</i> or <i>Junior Accessory Dwelling Unit</i>, or the construction of an attached or detached <i>Accessory Dwelling Unit</i> or <i>Junior Accessory Dwelling Unit</i>, in accordance with Section 141.0302 and the applicable Sections of this Division. 		
4.	[No change in text.]		
5.	[No change in text.]		
6.	[No change in text.]		

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in

Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

**Table 1516-01B
Use Regulations for Old Town Residential Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	OTRS-	OTRM-		
	3rd >>		1-	1-	2-
	4th >>	1	1	1	2
Open Space through Residential, Single Dwelling Units	[No change in text]				
Separately Regulated Residential Uses					
<i>Accessory Dwelling Units</i>	L	L	L	L	L

Boarder & Lodger Accommodations	[No change in text]
Employee Housing through Housing for Senior Citizens	[No change in text]
<i>Junior Accessory Dwelling Units</i>	-L - -
Residential, Separately Regulated Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee	[No change in text]

Footnotes for Table 1516-01B

[No change in text.]

§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones

The uses allowed in the Old Town San Diego Commercial zones are shown in

Table 1516-01D:

Legend for Table 1516-01D

[No change in text.]

Table 1516-01D
Use Regulations for Old Town Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >> 3rd >> 4th >>	OTCC-						OTMCR-			
		1-	2-			3-		1			
		1	1	2	3	1	2	1	2	3	
Open Space through Residential, Single Dwelling Units		[No change in text]									
Residential, Separately Regulated Residential Uses											
Accessory Dwelling Units		-	L			L		L			
Boarder & Lodger Accommodations		[No change in text.]									
Employee Housing through Housing for Senior Citizens		[No change in text.]									
Junior Accessory Dwelling Units		-	-			-		-			
Residential, Separately Regulated Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee		[No change in text.]									

Footnotes for Table 1516-01D

[No change in text.]

§1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones

The uses allowed in the Old Town San Diego Open Space-Park zones are shown
in Table 1516-01F:

Legend for Table 1516-01F

[No change in text.]

**Table 1516-01F
Use Regulations for Old Town Open Space-Park Zones**

Use Categories/ Subcategories	Zone Designator	Zones	
[See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd>>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
Open Space through Residential, Single Dwelling Units		[No change in text]	
Separately Regulated Residential Uses			
<i>Accessory Dwelling Units</i>		-	-
Boarder & Lodger Accommodations		[No change in text]	
Employee Housing through Housing for Senior Citizens		[No change in text]	
<i>Junior Accessory Dwelling Units</i>		-	-
Residential, Separately Regulated Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee		[No change in text]	

Footnotes for Table 1516-01F

[No change in text.]

§1516.0131 Accessory Buildings for Old Town San Diego Residential Zones

(a) through (d) [No change in text.]

- (e) Habitable accessory buildings may be permitted:
 - (1) to a single dwelling unit in accordance with Section 141.0307, or
 - (2) [No change in text.]

Section 15. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 16. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority acting as the Airport Land Use Commission (ALUC) for a consistency determination.

That if the ALUC finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airport (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the ALUC determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the Council for reconsideration.

That if the ALUC determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the Council for reconsideration.

That if the ALUC determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the ALUC, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal

Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 17. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 18. That San Diego Ordinances O-21380, O-21391, O-21401, O-2022-1, O-2022-36, O-2022-37, O-2022-48, O-2022-59, O-2022-60, and O-2022-68 have been recently considered by the Council; and that Ordinances O-2022-43 and O-2022-45 will be considered by the City Council in the near future which amend San Diego Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within this section upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lauren N. Hendrickson
Lauren N. Hendrickson
Deputy City Attorney

LNH:jdf:cm
02/08/2022 REV.
02/08/2022 COR. COPY
12/16/2021
Or.Dept: Planning
Doc. No.: 2886847

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of MAR 01 2022

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 3/11/22

(date)


TODD GLORIA, Mayor

Vetoed: _____

(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 98.0502; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0410; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0211; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0623; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0311; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0455; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0720, RETITLING AND AMENDING SECTION 143.0742, AMENDING SECTION 143.0745, AND ADDING SECTION 143.0746; AMENDING CHAPTER 14, ARTICLE 3 BY ADDING DIVISION 13 AND ADDING SECTIONS 143.1301, 143.1303, 143.1305, 143.1307, 143.1310, AND 143.1315; AMENDING CHAPTER 14, ARTICLE 5 BY RETITLING DIVISION 40, AMENDING SECTION 145.4001, RETITLING AND AMENDING SECTIONS 145.4002 AND 145.4003, AND REPEALING SECTIONS 145.4004 AND 145.4005; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 151.0401; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY ADDING SECTION 155.0238; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0107, 1516.0112, 1516.0117, 1516.0122, AND 1516.0131, ALL RELATING TO THE HOMES FOR ALL OF US: HOUSING ACTION PACKAGE CODE UPDATE.

§98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is established a fund to be known as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds received from the commercial development linkage fees paid to the City pursuant to Chapter 9, Article 8, Division 6 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code; funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and applicable Council policies.
- (b) There is also established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code and funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected

pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code, all funds received by the Affordable Housing Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

- (c) There is also established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code, funds received from in lieu fees paid to the City, and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

§125.0410 When a Tentative Map Is Required

A tentative map is required for each *subdivision* of land except for a *parcel map* that creates no additional *lots* or a lot created pursuant to Section 143.1315 as an urban lot split.

§129.0211 Closing of Building Permit Application

- (a) [No change in text.]

- (b) The application file for City projects and for residential master planned developments shall be closed after two years have elapsed since the date the Building Permit application is ~~deemed complete~~ deemed complete. For the purposes of this section, residential master planned developments are residential developments submitted with one or more building types constructed in phases on one or multiple lots.

(c) through (e) [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Rooming House [See Section 131.0112(a)(3)(A)]	[No change in text.]										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Shopkeeper Units	[No change in text]	- p ⁽¹⁵⁾			[No change in text.]						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
<i>Single Dwelling Units through Separately Regulated Residential Uses, Junior Accessory Dwelling Units</i>	[No change in text.]										
Live/Work Quarters	[No change in text]	P⁽¹⁵⁾		[No change in text.]							
Low Barrier Navigation Center through Separately Regulated Signs Uses, Theater Marquees	[No change in text.]										

Footnotes for Table 131-06B

[No change in text.]

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined *gross floor area* for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the allowable *gross floor area* of the *premises*.

(a) through (i) [No change in text.]

(j) To encourage and facilitate living in closer proximity to employment opportunities. Residential uses in the IP-3-1 zone are permitted subject to the following regulations:

- (1) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan; subject to the following:

- (2A) Residential *development* ~~comprises no more than~~ shall not exceed a maximum of 49 percent of the total lot area within the Business Park - Residential Permitted CPIOZ or, in other areas, a maximum of 49 percent of the gross floor area of the premises; and
- (3B) Residential *development* ~~complies~~ shall comply with the *development* regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan, except that the *lot area, lot dimensions, floor area ratio, and setback* requirements of the IP-3-1 zone shall apply.
- (2) Residential development is permitted outside of the Business Park - Residential Permitted CPIOZ as follows:
- (A) Live/work quarters in accordance with Section 141.0311.
- (B) Shopkeeper units may include space for uses in accordance with Section 131.0623(j)(2)(C) and shall comply with the Live/Work quarters regulations in Section 141.0311.
- (C) A maximum of 49 percent of the gross floor area on the premises may be used for residential uses. At least 51 percent of the gross floor area on the premises shall be used for Retail Sales, Commercial Services, Artisan Food and Beverage Producer, Offices, Research and Development, or Light Manufacturing.

(D) The residential area and the business area must be occupied by the same tenant and no portion of the residential area shall be rented or sold separately.

(E) The residential area is permitted above, adjacent to, or behind the business area, provided that there is internal access between the residential area and business area.

(k) through (n) [No change in text.]

§141.0302 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including ~~allowing encroachment into the interior side yard and rear yard setbacks up to the property line,~~ eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all ~~single dwelling unit~~ Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The following definitions apply to this section:

- (1) Single Dwelling Unit Zone means a zone that permits *single dwelling units* but does not permit *multiple dwelling units*.
 - (2) Multiple Dwelling Unit Zone means a zone that permits *multiple dwelling units*.
- (ab) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) Use Regulations
 - (A) One *ADU* and one *JADU* are permitted on a *premises* located within a ~~*single dwelling unit*~~ Single Dwelling Unit Zone with an existing or proposed *single dwelling unit*.
 - (B) through (C) [No change in text.]
 - (D) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted to be constructed on any premises that has utilized the provisions of Chapter 14, Article 3, Division 13, Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones, except as provided in Section 143.1305(c)(1).
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) ~~The following *setback* allowances are applicable:~~
 - (i) ~~Conversion of existing structure to an *ADU* or *JADU*. No *setback* is required for an existing dwelling unit or accessory structure that is converted to an *ADU* or *JADU*, or to a portion of an~~

~~ADU or JADU. An ADU or JADU that is constructed in the same location and to the same dimensions as an existing structure may continue to observe the same setbacks as the structure it replaced.~~

- (ii) ~~New ADU and JADU structures. New ADU and JADU structures must comply with the front yard and street side yard setbacks of the zone. New ADU and JADU structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the ADU or JADU.~~

An ADU or JADU that is converted from an existing dwelling unit or accessory structure or is constructed in the same location and within the same building envelope as an existing dwelling unit or accessory structure may continue to observe the same setbacks as the existing dwelling unit or accessory structure.

- (E) ~~ADUs and JADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit. When located on a premises where the primary dwelling unit is protected with an automatic fire sprinkler system in accordance with Section R313 of the California~~

~~Residential Code, an ADU or JADU shall be protected with an automatic fire sprinkler system.~~ ADU and JADU structures must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setbacks for new ADU and JADU structures shall be provided as follows:

- (i) One-story ADUs or JADUs with a structure height 16 feet or less may observe a zero-foot setback at the interior side yard and rear yard.
- (ii) One-story ADUs or JADUs with a structure height that exceeds 16 feet and multi-story ADU or JADU structures may observe zero-foot interior side yard and rear yard setbacks, unless the side or rear property line abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

(F) The following landscape regulations shall apply to the construction of an ADU or JADU:

- (i) If construction of an ADU or JADU that would bring the number of ADUs or JADUs on the premises to a total of two or more is proposed, two trees shall be provided on the premises for every

5,000 square feet of lot area, with a minimum of one tree per premises. If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

(ii) ADUs constructed in accordance with Section 141.0302(c)(2)(C) shall comply with the street tree requirements in Section 142.0409(a).

~~(EG)~~ ADUs and JADUs shall not be required to provide fire sprinklers if they are not required for the primary *dwelling unit*. When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a ADU or JADU shall be protected with an automatic fire sprinkler system.

(H) Construction of an ADU or JADU shall not require the correction of previously conforming conditions on the premises.

(3) Parking Regulations

(A) through (B) [No change in text.]

(C) Notwithstanding 141.0302(b)(2)(H), if the construction of an ADU or JADU causes an existing driveway curb cut to no longer comply with the dimensions required in Table 142-05K of Section 142.0560 for an off-street parking space, the driveway shall be closed to the satisfaction of the City Engineer.

(4) [No change in text.]

(b~~c~~) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to ADUs:

(1) [No change in text.]

(2) *Development Regulations for ADUs*

(A) [No change in text.]

(B) ~~No more than one~~ One ADU shall be permitted in a Single Dwelling Unit Zone on a *premises* with an existing or proposed *single dwelling unit*.

(C) ~~ADUs located on~~ On a premises located in a Single Dwelling Unit Zone with an existing multiple dwelling unit, or a premises located in a Multiple Dwelling Unit Zone with an existing or proposed ~~multiple dwelling unit~~, ADUs shall be permitted as follows:

(i) ~~The number of ADUs permitted within the habitable area of an existing multiple dwelling unit structure is limited to 25 percent of the total number of~~

~~existing dwelling units in the structure, but in no case shall be less than one ADU; Two ADUs that are attached to and/or detached from an existing or proposed structure are permitted; and~~

- (ii) ~~Two ADUs that are detached from an existing multiple dwelling unit structure are permitted; The number of ADUs permitted within the habitable area of an existing dwelling unit structure is limited to 25 percent of the total number of existing dwelling units in the structure, but in no case shall it be less than one ADU; and~~
- (iii) There is no limit on the number of ADUs permitted within the portions of existing ~~multiple dwelling unit structures~~ and accessory structures that are not used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each ADU complies with state building standards for *dwelling units*.

- (D) An ADU with a gross floor area of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, and minimum open space requirements. The development shall comply with the floor

area ratio of the underlying base zone unless the development incorporates an existing structure that exceeds the allowable floor area ratio or is under the allowable floor area ratio by less than 800 square feet, in which case an ADU that does not exceed 800 square feet shall be permitted.

(E) through (G) [No change in text.]

(ed) In addition to the requirements in Section 141.0302(a), *Junior Accessory Dwelling Units* are subject to the following additional regulations:

- (1) [No change in text.]
- (2) *Development Regulations*

(A) One *JADU* is permitted on a *premises* located within a ~~single dwelling unit~~ Single Dwelling Unit Zone with an existing or proposed primary *single dwelling unit*.

(B) through (C) [No change in text.]

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces ~~in buildings that were originally designed to integrate living space into the workspace and are primarily designed for industrial or commercial occupancy that have been converted to integrate living space into the work space.~~ -Live/work quarters are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]

- (b) ~~A maximum of 49 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, kitchen, bathroom, and closet area.~~ The minimum floor area used or arranged for non-residential purposes shall be 100 square feet.

(c) through (h) [No change in text.]

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees for *development* that would increase demand for public facilities and/or result in the need for new public facilities. Development Impact Fees shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13, if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate

dwelling units. The Development Impact Fee required by the City Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters are exempt from DIFs, except as follows:*

- (A) The first two *Accessory Dwelling Units* on a *premises* are exempt from the requirement to pay DIF, regardless of the gross floor area of the *Accessory Dwelling Unit*, unless the *Accessory Dwelling Units* are constructed in accordance with Section 143.1305(c)(1), in which case payment of DIF will be required in accordance with Section 142.0640(b)(1)(B).
- (B) *Accessory Dwelling Units* that are 750 or more square feet in gross floor area and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit* rate, which shall be scaled in accordance with Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and with Table 142-06A based upon the *Accessory Dwelling*

Unit size, or shall be proportionate in relation to the square footage of the primary dwelling unit on the premises at the multiple dwelling unit rate, whichever results in the lower DIF. The DIF for the Accessory Dwelling Unit shall not exceed the DIF for the primary dwelling unit.

- (C) Notwithstanding Sections 142.0640(b)(1)(A) and (B), Accessory Dwelling Units on a premises in which the record owner agrees to reside in one of the dwelling units as their primary residence for a minimum of three years from the date of building permit issuance for the Accessory Dwelling Unit are exempt from the requirement to pay DIF. Prior to the issuance of the building permit, the record owner shall sign an affidavit acknowledging the record owner intends to reside in one of the dwelling units as their primary residence for a minimum of three years from the date of issuance of the building permit for the Accessory Dwelling Unit. The affidavit shall be in a form that is approved by the City and recorded in the Office of the County Recorder. This requirement shall not apply to a record owner that is a community land trust, as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation

as described in California Revenue and Taxation Code

Section 214.15.

(2) through (5) [No change in text.]

(6) The first two dwelling units constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The second and third dwelling units constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and Table 142-06A, based upon the dwelling unit size.

Table 142-06A

Scaled Development Impact Fee Rate for Specified Residential Development Utilizing the Housing Solutions Program

Unit Size (SF)	Scaled Fee Rate
1,251 >	Full Fee
1,201 - 1,250	99%
1,151 - 1,200	97%
1,101 - 1,150	95%
1,051 - 1,100	92%
1,001 - 1,050	90%
951 - 1,000	87%
901 - 950	85%
851 - 900	83%
801 - 850	80%
751 - 800	78%

Unit Size (SF)	Scaled Fee Rate
701 - 750	76%
651 - 700	73%
601 - 650	71%
551 - 600	68%
501 - 550	66%

(c) through (g) [No change in text.]

§142.1305 Methods of Compliance

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

(1) through (2) [No change in text]

(3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the ~~applicant provides five percent more inclusionary dwelling units than required for the development pursuant to~~ receiver site is within a transit priority area, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of

the existing dwelling units in that community planning area are
covenant-restricted to very low income, low income, or moderate
income households;

(4) through (6) [No change in text.]

(b) through (c) [No change in text.]

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned
Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾⁽³⁾	[No change in text.]	[No change in text.]
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations ⁽³⁾	[No change in text.]	[No change in text.]
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested ⁽⁶⁾	143.0403, 143.0465	PDP/Process 3
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone ⁽⁵⁾	[No change in text.]	[No change in text.]

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
<i>Multiple dwelling unit development</i> requesting increased <i>density</i> where the <i>land use plan</i> expressly allows for increased <i>density</i> with the approval of a Planned Development Permit ⁽³⁾⁽⁶⁾	143.0403, 143.0410, 143.0455	PDP/Process 4
Rural cluster <i>development</i> in the AR and OR zones	[No change in text.]	[No change in text.]
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> -(4)	[No change in text.]	[No change in text.]
Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	[No change in text.]	[No change in text.]

Footnotes for Table 143-04A

¹ through ⁵ [No change in text.]

⁶ *Development utilizing the increased density alternative expressly allowed in the land use plan in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased density alternative pursuant to the adopted land use plan.*

§143.0455 Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan

In addition to the general regulations for all Planned Development Permits in Section 143.0410(j)(5) through (11), the following regulations apply to *multiple dwelling unit development* that requests approval of increased *density* where the *land use plan* expressly allows for increased *density* with approval of a Planned Development Permit. It is the intent of these regulations to provide increased

density in pedestrian-friendly *development* that is consistent with the planned character of the neighborhood as specified in the *land use plan*.

(a) *Density*

(1) [No change in text.]

(2) Utilization of this increased *density* alternative ~~per~~ pursuant to the adopted *land use plan* shall not preclude the use of the state density bonus program, where applicable. *Development utilizing the increased density alternative expressly allowed in the land use plan in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased density alternative pursuant to the adopted land use plan.*

(b) [No change in text.]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

(a) through (h) [No change in text.]

(i) A *density* bonus agreement for a *development* within a *transit priority area* providing 100 percent of the total pre-*density* bonus and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households shall utilize the following qualifying criteria:

(1) [No change in text.]

(2) Rents for all *dwelling units* in the *development* shall be established as follows:

(A) through (B) [No change in text.]

- (C) *Moderate income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *moderate income* households at a rent that does not exceed 30 percent of 110 percent of the area median income, as ~~adjusted for household size, appropriate for the dwelling unit~~ except that 20 percent of the *dwelling units* may be affordable up to 30 percent of 150 percent of the area median income, if those units contain at least three bedrooms.

(3) through (4) [No change in text.]

(j) through (k) [No change in text.]

- (l) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

- (1) [No change in text.]
- (2) For *development* meeting the criteria for *very low income* households in Section 143.0720(c)(1), the *density* bonus shall be calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, ~~up to a maximum combined *density* increase of 75 percent.~~
- (3) For *development* meeting the criteria for *low income* households in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition

to any other increase in *density* allowed in this Division, ~~up to a maximum combined *density* increase of 75 percent.~~

- (4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(c) and (d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, ~~up to a maximum combined *density* increase of 50 percent.~~

(5) through (14) [No change in text.]

- (15) For *development* that meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where at least 20 percent of the total *dwelling units* are three *bedrooms* or greater, an additional *density* bonus of 20 percent shall be granted and an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, if the *density* bonus *dwelling units* provided contain at least three *bedrooms*.

(m) through (n) [No change in text.]

§143.0742 Incentives for ~~Commercial~~ Non-Residential Development

~~An applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30~~

~~percent of the dwelling units as affordable to low income households in accordance with Section 143.0720 shall be entitled to a development bonus in accordance with Government Code Section 65915.7(b) provided that:~~

~~(a) The agreement shall be approved by the City Manager and identify how the applicant for the commercial development will contribute to affordable housing in one of the following ways:~~

- ~~(1) Directly constructing the affordable dwelling units;~~
- ~~(2) Donating a portion of the commercial site or another site that meets the criteria in Section 143.0742(b) for development of the affordable dwelling units; or~~
- ~~(3) Financially contributing to the development of the affordable dwelling units.~~

~~(b) The residential development shall be located within the City of San Diego, in close proximity to public amenities, and within a Transit Priority Area.~~

The Employee Housing Incentive Program shall be implemented in accordance with this section. An applicant for non-residential development as defined in this section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

(a) Eligible Non-residential Development.

- (1) The non-residential development shall be located in a transit priority area.

(2) For purposes of this section, non-residential *development* includes all subcategories within the Retail Sales, Commercial Services, and Office use categories, and the Light Manufacturing and Research & Development subcategories within the Industrial use category in accordance with Section 131.0122(a), but does not include Separately Regulated Uses within these use categories.

(b) Incentives shall be consistent with Sections 143.0740(a)(1), 143.0740(b)(1)-(3), and 143.0740(c), with the following exceptions:

(1) Incentives may not be used to deviate from minimum *floor area ratio* requirements for residential uses.

(2) *Floor area ratio* may not be increased by more than 1.5.

§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

(a) [No change in text.]

(b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) and (c) may be approved with a Process Four Planned Development Permit in accordance with Section 126.0604.

(c) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a *transit priority area*, an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC)

Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income households*.

- (ed) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total *bedroom* count as the *development*. The *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums.
- (de) The *applicant*, prior to the issuance of the first building permit for the *development*, shall secure the required number of off-site affordable *dwelling units* and enter into an agreement(s) with the President and Chief Executive Officer of the San Diego Housing Commission establishing the same terms and conditions set forth in Section 143.0720 for similar affordable *density bonus dwelling units*.
- (ef) Off-site affordable *dwelling units* may be located in an existing *structure(s)*, provided the *applicant* provides evidence that the existing *structure* has a remaining useful life of at least 55 years from the issuance of a Certificate of Occupancy pursuant to Section 143.0745(f)(2)(B) and complies with current Building Code standards, to the satisfaction of the City Manager. Off-site affordable *dwelling units* that are occupied at the time the application is *deemed complete* shall comply with the State Relocation Act pursuant to Government Code Section 7260.

(fg) Prior to the issuance of the first building permit, the *applicant* shall record a deed restriction against the off-site *development* that:

(1) through (2) [No change in text.]

§143.0746 Affordable Housing in All Communities

(a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas.
Affordable housing may be permitted in High or Highest Resource California Tax Credit Allocation Committee Areas in accordance with Process One on a premises located within a non-residential base zone that does not otherwise allow multiple dwelling unit development, subject to all of the following:

- (1) The development proposes to construct one or more of the following:
 - (A) A multiple dwelling unit development in which at least 100 percent of the total dwelling units, exclusive of a manager's unit or units, are covenant-restricted as affordable to very low income, low income, or moderate income households;
 - (B) Permanent supportive housing;
 - (C) Transitional housing; or
 - (D) An emergency shelter.
- (2) The premises is located within all of the following:
 - (A) A transit priority area;

- (B) An area identified as a High or Highest Resource CTCAC Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps;
- (C) A community planning area in which less than 5 percent of the existing *dwelling units* are covenant-restricted to *very low income, low income, or moderate income* households;
and
- (D) Outside of an area identified as Industrial or Open Space in a *land use plan*.
- (3) The residential *density* shall be determined for the applicable portion of the *premises* as follows:

 - (A) Within Mobility Zone 1 (the Downtown Community Planning Area), the *density* and *floor area ratio* shall be unlimited.
 - (B) Within a community planning area that meets the definition of Mobility Zone 3 as defined in Section 143.1103(a)(3), *density* shall be limited by a maximum *floor area ratio* of 6.5.
 - (C) Within a community planning area that meets the definition of Mobility Zone 4 as defined in Section 143.1103(a)(4), *density* shall be limited by a maximum *floor area ratio* of 4.0.

- (4) Residential development shall comply with the development regulations of the RM-2-5 zone with the exception of density, floor area ratio, lot area, and lot dimensions which shall comply with the base zone.
- (5) Development consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.
- (6) Development shall comply with the regulations of the Airport Land Use Compatibility Zone.
- (7) Dwelling units shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.
- (b) Affordable housing may be permitted on a premises owned by a public agency or a qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with Process One on a premises located within a base zone that does not allow multiple dwelling unit development, subject to all of the following:
 - (1) The application for the premises is submitted by a person that has the authority to fill out an application in accordance with Section 112.0102 and is a public agency or a qualified nonprofit corporation qualified under Section 501(c)(3) of the Internal Revenue Code.
 - (2) The development includes one of the following:

- (A) A multiple dwelling unit development in which at least 25 percent of the total dwelling units, exclusive of a manager's unit or units, are covenant-restricted as affordable to very low income, low income, or moderate income households;
 - (B) Permanent supportive housing;
 - (C) Transitional housing; or
 - (D) An emergency shelter.
- (3) The premises is located:
- (A) Within Mobility Zone 1, 2, or 3 as defined in Section 143.1103(a); and
 - (B) Outside of an area identified as Industrial or Open Space in a land use plan.
- (4) The residential density shall be determined for the applicable portion of the premises as follows:
- (A) Within Mobility Zone 1, (the Downtown Community Planning Area), the density and floor area ratio shall be unlimited.
 - (B) Within an area as defined in Section 143.1103(a)(2) as Mobility Zone 2, density shall be limited by a maximum floor area ratio of 6.5.
 - (C) Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 3, density shall be limited by a maximum floor area ratio of 4.0.

- (5) Residential development shall comply with the development regulations of the RM-2-5 zone with the exception of density, floor area ratio, lot area, and lot dimensions which shall comply with the base zone.
- (6) Development consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.
- (7) Development shall comply with the regulations of the Airport Land Use Compatibility Zone.
- (8) Dwelling units shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.

**Division 13: Multi-Dwelling Unit and Urban Lot Split Regulations
for Single Family Zones**

§143.1301 Purpose of the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

These regulations are intended to implement California Senate Bill 9 (2021-2022) and California Government Code Sections 65852.21, 66411.7 and 66452.6 by allowing the construction of multiple dwelling units in single-family zones and/or an urban lot split, as specified in this Division. These regulations specify when and how multiple dwelling unit development may be constructed in a base zone that permits single dwelling unit development, but not multiple dwelling unit development. These regulations also specify when and how a single premise may be split into two premises that can be developed and conveyed separately when located within a base zone that permits single dwelling unit development, but not multiple dwelling unit development.

§143.1303 **Application of Multi-Dwelling Unit and Urban Lot Split Regulations in Single Dwelling Unit Zones**

- (a) This Division applies to *premises* located within a RS, RE, RX, RT and Planned District Zones that permits *single dwelling unit development*, but *not multiple dwelling unit development*, except as prohibited in Section 143.1303(b).
- (b) This Division is not applicable in the following circumstances:
 - (1) When the *premises* is located within any of the following:
 - (A) Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;
 - (B) Wetlands;
 - (C) The Very High Fire Hazard Severity Zone, unless the *development* complies with Chapter 7A of the California Building Code, which mitigates wildfire exposure risk through materials and construction methods;

- (D) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
- (E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the California State Geologist, unless the *development* complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the Development Services Department;
- (F) Special Flood Hazard Areas, unless:
- (i) The *premises* has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

- (ii) The *premises* meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (G) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the *development* has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an *applicant* is able to satisfy all applicable federal qualifying criteria in order to provide that the *premises* satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, an application shall not be denied on the basis that the *applicant* did not comply with any additional City permit requirement, standard, or action that is applicable to that *premises*;
- (H) The *MHPA* of the *MSCP Subarea Plan*;

- (I) Environmentally Sensitive Lands conserved by dedication in fee title, covenant of easement, or conservation easement; or
 - (J) A historical district that is a designated historical resource, or on a premises that contains a designated historical resource.
- (2) If the development requires demolition or alteration of any of the following:
- (A) A dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate income, low income, or very low income.
 - (B) A dwelling unit that has been occupied by a tenant in the last three years.
- (3) If the premises contains SRO hotel rooms or other dwelling units that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 15-year period preceding the application.
- (4) If the development requires the demolition of more than 25 percent of the existing exterior structural walls of a dwelling unit, unless the premises has not been occupied by a tenant in the last three years prior to application submittal.

§143.1305 Utilizing the Provisions of this Division

- (a) An applicant seeking to utilize the provisions of this Division may use the multiple dwelling unit provisions of Section 143.1310, the urban lot split provisions of Section 143.1315, or a combination of both in compliance with the applicable regulations.
- (b) An application to utilize the provisions of this Division may be denied if the City makes a written finding based upon a preponderance of the evidence that the development would have a specific, adverse impact upon public health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:
- (1) Inconsistency with a zoning ordinance or land use plan designation.
 - (2) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.
- (c) This Division may be utilized in conjunction with Accessory Dwelling Unit development consistent with the following regulations:

- (1) An applicant utilizing only the multiple dwelling unit provisions of Section 143.1310 and not the urban lot split provisions of Section 143.1315 may construct two attached or detached Accessory Dwelling Units in addition to the two dwelling units permitted in accordance with Section 143.1310.
- (A) The Accessory Dwelling Units shall comply with the regulations in Section 141.0302, except that no more than two Accessory Dwelling Units shall be permitted on the premises.
- (B) Under no circumstances shall the total number of dwelling units on the lot, inclusive of Accessory Dwelling Units, exceed four.
- (2) An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be permitted on a premises that proposes to utilize or has utilized both the multiple dwelling unit provisions of Section 143.1310 and the urban lot split provisions of Section 143.1315.
- (A) If an Accessory Dwelling Unit or Junior Accessory Dwelling Unit exists on a premises that proposes to utilize the provisions of both Section 143.1310 and 143.1315, the Accessory Dwelling Unit must be removed or converted to one of the multiple dwelling units permitted under Section 143.1310.

(B) Under no circumstances shall the total number of dwelling units across the two lots resulting from Section 143.1315 exceed four.

§143.1307 Rental of Dwelling Units Constructed in Accordance with this Division

A dwelling unit constructed in accordance with this Division shall not be rented for fewer than 31 days.

§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two dwelling units may be permitted on a premises within a RS, RE, RX, RT and Planned District Zones that permits single dwelling unit development, but not multiple dwelling unit development, in accordance with the following regulations:

(a) The development regulations of the base zone in which the premises is located shall apply, except as specified in this section.

(1) Density Regulations. The maximum permitted density shall be two dwelling units per lot. The dwelling units may be attached to or detached from one another, provided that the structure(s) meet California Building Code safety standards and are constructed sufficiently to allow separate conveyance.

(2) Setback Regulations

(A) No setback is required for an existing structure that is converted to a dwelling unit. In addition, a dwelling unit that is constructed in the same location and within the same

building envelope as an existing structure may continue to observe the same setbacks as the structure it replaced.

- (B) Except as provided in Section 143.1310(a)(2), dwelling units must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setbacks for dwelling units shall be provided as follows:
- (i) One-story dwelling units with a structure height of 16 feet or less may have zero setbacks in the interior side yards and rear yards.
 - (ii) One-story dwelling units with a structure height that exceeds 16 feet and multi-story dwelling units may have zero setbacks in the interior side yards and rear yards, unless the side or rear property line abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

(3) Parking Regulations

- (A) Within a transit priority area, no off-street parking spaces are required.
- (B) Outside of a transit priority area, off-street parking spaces shall be provided as follows:

- (i) One off-street parking space per dwelling unit shall be required for the construction of the third and fourth dwelling units. Off-street parking spaces are not required for the first two dwelling units.
- (ii) Within the Beach Impact Area of the Parking Impact Overlay Zone, one off-street parking space shall be required per dwelling unit unless the applicant can demonstrate to the satisfaction of the City Manager that there is access to a car share or other shared vehicle within one block of the premises.

(4) Landscape Regulations

- (A) Two trees shall be provided on the premises for every 5,000 square feet of lot area, with a minimum of one tree per premises. This regulation can be met by existing trees on the premises. If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

- (B) If development would result in more than two dwelling units within the two premises permitted by this Division, then compliance with the street tree regulations pursuant to Section 142.0409 is required.
- (5) Supplemental Regulations within Areas of Future Sea Level Rise
- (A) Within the Coastal Overlay Zone, the following regulations apply to dwelling units constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:
- (i) The dwelling units shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood Hazard Area in closest proximity to the premises on which the dwelling unit is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.

- (ii) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
- (iii) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City, acknowledge the following: (1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the *premises*; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and (5) that the *dwelling unit* may be required to be removed or relocated and the site restored if it becomes unsafe; and further the *record owner* shall waive any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.

(iv) The record owner of the dwelling unit shall provide notice to all occupants, upon occupancy, of the dwelling unit of the provisions in Section 143.1310(a)(5)(A)(iii).

(6) Development Impact Fees for development constructed in accordance with this Division shall comply with Section 142.0640(b).

(b) Notwithstanding Section 143.1310(a), a second dwelling unit with a maximum gross floor area of 800 square feet shall be permitted on a premises with an existing or proposed dwelling unit, regardless of non-compliance with one or more development regulations. The development shall comply with the floor area ratio of the underlying base zone unless the development incorporates an existing structure that exceeds the allowable floor area ratio or is under the allowable floor area ratio by less than 800 square feet, in which case a second dwelling unit that does not exceed 800 square feet shall be permitted.

§143.1315 Urban Lot Splits in a Single Dwelling Unit Zone

An urban lot split is a lot split that divides an existing single premises into no more than two separately conveyable premises in a zone that allows single dwelling unit development, but not multiple dwelling unit development, and may be permitted, subject to the following regulations:

- (a) An urban lot split shall be permitted in accordance with a Process One parcel map and shall comply with Chapter 14, Article 4, Division 2, except that dedications of public rights-of-way or the construction of offsite improvements for the parcels being created and the correction of nonconforming development regulations of the base zones are not required.
- (b) The expiration of the subdivision shall be in accordance with Government Code Section 66452.6.
- (c) The urban lot split provisions of this section may not be used if any of the following apply:
 - (1) The lot was established through a prior urban lot split in accordance with this section. A lot may only be split once in accordance with this section. Lots created pursuant to this section are ineligible for any further subdivision.
 - (2) The record owner or any person acting in concert with the record owner has previously subdivided an adjacent lot using an urban lot split in accordance with this section.
- (d) Only residential uses are permitted on a lot that was created by the urban lot split provisions of this section.
- (e) Prior to the recordation of the parcel map, the record owner shall sign an affidavit acknowledging the record owner intends to reside in one of the dwelling units as their primary residence for a minimum of three years from the date of the approval of the urban lot split. The affidavit shall be

in a form that is approved by the City and recorded in the Office of the County Recorder. This requirement shall not apply to a *record owner* that is a community land trust, as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation as described in California Revenue and Taxation Code Section 214.15.

(f) The *development* regulations of the base zone in which the *lot* is located shall apply, except as specified in Section 143.1310(a) and this section.

(1) The minimum *lot* area and minimum *lot* dimensions regulations of the base zone shall not apply and are replaced with the following regulations:

(A) The two *lots* shall be approximately equal in size, provided that one *lot* shall not be smaller than 40 percent of the *lot* area of the original *lot*.

(B) The two *lots* shall each be no smaller than 1,200 square feet.

(C) If the *lot* contains existing *structures* that will remain as part of the *development*, the *lot* shall be split in a manner that complies with or comes as close as possible to compliance with the *floor area ratio* of the underlying base zone, consistent with Section 143.1315(f)(1)(A) and (B).

(2) A *lot* should be subdivided in a manner that complies with the *street frontage* and driveway width requirements of the base zone wherever feasible. *Development* that does not comply with the

street frontage and driveway width requirements of the base zone
shall record an access easement on the lot to the satisfaction of the
City Engineer.

(g) Notwithstanding Section 143.1315(f), an urban lot split and construction
of a second dwelling unit with a maximum gross floor area of 800 square
feet shall be permitted on each of the lots created by an urban lot split,
regardless of non-compliance with one or more development regulations,
subject to the following:

- (1) The development shall comply with the floor area ratio of the
underlying base zone unless the development incorporates an
existing structure that exceeds the allowable floor area ratio or is
under the allowable floor area ratio by less than 800 square feet, in
which case a second dwelling unit that does not exceed 800 square
feet shall be permitted.
- (2) The development shall comply with the lot size requirements in
Section 143.1315(f)(1).

Article 5: Building Regulations

Division 40: ~~Voluntary~~ Housing Accessibility Program

§145.4001 Purpose

The purpose of the ~~Voluntary~~ Housing Accessibility Program is to encourage
accessible residential development that incorporates above the requirements
pursuant to the California Building Code, and to increase the number of
accessible dwelling units in the local housing supply that meet long term housing

~~needs by offering incentives that facilitate this type of accessible design features including accessible routes of travel, accessible entrances, and accessible common use rooms to meet the needs of as many users as possible for people of all abilities.~~
The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, ~~to as well as~~ allowing those persons to visit neighboring *dwelling units*, ~~and to increase the number of accessible dwelling units in the local housing supply that meet long term housing needs by offering incentives that facilitate this type of accessible design.~~

§145.4002 When the Housing Accessibility Program Applies

- (a) The following ~~proposed~~ residential *development* is eligible for the ~~Voluntary Housing Accessibility Program~~:
- (1) *Development that is exempt from the accessibility requirements of the California Building Code (Chapter 11A), of a multiple dwelling unit structure up to five stories that provides an elevator to all stories.*
 - (2) *Development where only a portion of the residential development is subject to of multi-story townhomes or duplexes that exceed the accessibility requirements of the California Building Code (Chapter 11A), or and include the following: a primary entrance, at*

least one accessible bathroom, at least one accessible kitchen, at least one accessible bedroom, and at least one accessible living room on an accessible route.

(3) ~~Development where the required exempt from accessibility is in accordance with the requirements of the~~ California Building Code (Chapter 11A) ~~and would be less accessible than would be achieved through the Voluntary Accessibility Program.~~

(b) ~~Development with dwelling units that are voluntarily designed to be accessible may be granted incentives receiving deviations for reasonable accommodations in accordance with Section 145.4003~~ 131.0466 are not eligible for the Housing Accessibility Program.

(e) ~~Development receiving deviations for reasonable accommodations in accordance with Section 131.0466 are not eligible for the Voluntary Accessibility Program.~~

§145.4003 ~~Voluntary Housing~~ Accessibility Program Regulations and Development Incentives

(a) Incentives granted solely under the ~~Voluntary Housing~~ Accessibility Program in accordance with Section 145.4003(e) ~~and (d)(e)~~ shall not require approval of a deviation from the underlying base zone.

(b) [No change in text.]

(c) ~~The incentives available to a development shall be determined by the number and type of dwelling units that would be voluntarily designed for accessibility~~ An incentive shall not be granted where it would allow

development that is inconsistent with the policies in the certified Local Coastal Program and development regulations of the Environmentally Sensitive Lands Regulations.

- (1) ~~Each dwelling unit voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit) shall be eligible for the following incentives:~~
 - (A) ~~A floor area ratio bonus up to a maximum of 5 percent,~~
~~and~~
 - (B) ~~A choice of one development incentive listed in Section 145.4003(d).~~
- (2) ~~Each dwelling unit voluntarily designed in accordance with Section 145.4005 (Tier II Visitable Unit) shall be eligible for one of the following incentives:~~
 - (A) ~~A floor area ratio bonus up to a maximum of 5 percent, or~~
 - (B) ~~A choice of one development incentive listed in Section 145.4003(d).~~
- (3) ~~Development with at least 50 percent of the eligible dwelling units voluntarily designed in accordance with either Section 145.4004 (Tier I Accessible Dwelling Unit) or Section 145.4005 (Tier II Visitable Unit) shall be eligible for the following incentives:~~
 - (A) ~~Incentives for each Tier I Accessible Dwelling Unit in accordance with Section 145.4003(e)(1),~~

- ~~(B) An incentive for each Tier II Visitable Unit in accordance with Section 145.4003(e)(2), and~~
- ~~(C) Expedite processing consistent with Council Policy.~~
- (4) *Development with 100 percent of the eligible dwelling units voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit) shall be eligible for:*
 - ~~(A) Incentives for each Tier I Accessible Dwelling Unit in accordance with Section 145.4003(e)(1),~~
 - ~~(B) Expedite processing consistent with Council Policy, and~~
 - ~~(C) A density bonus up to 5 percent based on the pre-bonus number of dwelling units in the project voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit).~~
 - ~~(D) Development providing a minimum of 10 Tier I Accessible Dwelling Units shall be eligible for a choice of 1 additional incentive listed in Section 145.4003(d).~~
- (d) ~~Incentives~~An incentive shall not be granted where it conflicts with State laws and regulations.

An applicant for development eligible for one or more incentives pursuant to Section 145.4003, may select from the following incentives:

- (1) *An applicant may request one of the following modifications of the applicable parking regulations in Section 142.0560 for Tier I Accessible Dwelling Units.*

- (A) A reduction of the drive aisle width to a minimum of 22 feet if using standard parking space dimensions;
 - (B) A reduction of the required motorcycle facilities up to 50 percent;
 - (C) A reduction of the driveway width consistent with the minimum dimensions specified in Table 142-05N;
 - (D) Encroachment of required *off-street parking spaces* into the required *setback* area of a private driveway (where parking spaces would not conflict with a required visibility area); or
 - (E) Calculation of tandem parking spaces (designed in accordance with Section 142.0560) as two spaces to meet the applicable parking requirement.
- (2) The applicable *setback* regulations may be reduced up to 10 percent for proposed structures where necessary to fulfill the accessible design requirements.
- (3) The applicable *lot coverage* regulations may be exceeded up to 10 percent where necessary to fulfill the accessible design requirements.
- (4) The applicable maximum *structure height* regulations may be exceeded by up to 10 percent to accommodate an elevator or special access (wheelchair) lift system. The maximum *structure height* may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation

~~Regulations Part 77 airspace protection surfaces within designated airport influence areas.~~

~~(5) The applicable landscape requirements may be modified or reduced to the minimum extent necessary to accommodate an accessible route of travel.~~

(e) ~~The floor-area ratio bonus and incentives applicable to a development in accordance with Section 145.4003(e) are limited to dwelling units that are voluntarily designed in accordance with the Voluntary Accessibility Program and may not be redistributed across the development as a whole. The following types of development may be granted incentives in accordance with this section:~~

- ~~(1) A multiple dwelling unit development that provides an elevator to all floors in a multiple dwelling unit structure shall be entitled to three incentives listed in Section 145.4003(f).~~
- ~~(2) An accessible multi-story dwelling unit that exceeds the housing accessibility requirements of the California Building Code (Chapter 11A) and Section 145.4002(a)(2) by at least 25 percent of the total number of dwelling units shall be eligible for two incentives listed in Section 145.4003(f).~~
- ~~(3) A development that exceeds the requirements for the number of accessible dwelling units under the California Building Code (Chapter 11A) by two accessible dwelling units shall be eligible for three incentives listed in Section 145.4003(f).~~

- (4) A development that exceeds the requirements for the number of accessible dwelling units under the California Building Code (Chapter 11A) and Section 145.4002(a)(2) by three or more accessible dwelling units shall be eligible for four incentives listed in Section 145.4003(f).
- (f) ~~A bonus or incentive shall not be granted where it would allow development that is inconsistent with the policies in the certified Local Coastal Program land use plan or the allowed uses and development regulations of the Environmentally Sensitive Lands regulations.~~ Incentives
An applicant for development eligible for incentives pursuant to Section 145.4003(e) may select from the following incentives:
- (1) Setback regulations may be reduced by up to 15 percent for the building with the elevator.
- (2) Lot coverage regulations may be exceeded by up to 15 percent.
- (3) A floor area ratio bonus up to a maximum of 25 percent for the building with the elevator.
- (4) The applicable maximum structure height regulations may be exceeded by up to 15 feet for the building with the elevator. The maximum structure height may not exceed height limit allowed within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within airport influence areas designated by the Federal Aviation Administration.

- (5) A density bonus up to 10 percent based on the pre-density bonus dwelling units for the entire development. This density bonus is in addition to any other density bonuses for which the development is eligible.

§145.4004 Tier I Accessible Dwelling Unit Design Standards

- (a) ~~In order to meet the Tier I Accessible Dwelling Unit Design Standards, dwelling units shall comply with the California Building Code requirements for accessibility (Chapter 11A), except as otherwise indicated in Section 145.4004(b), (c), and (d).~~
- (b) ~~For the purpose of this section, dwelling units developed with multiple stories shall provide a kitchen on the primary entry level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements required in accordance with Section 145.4004(a).~~
- (c) ~~Accessible entrances designed for Tier I Accessible Dwelling Units shall be permitted up to a maximum of three quarters of an inch in height differential between the exterior and interior landings:~~
- (1) ~~The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).~~
- (2) ~~The threshold shall be no higher than 0.5 inches (12.7 mm).~~
- (d) ~~Required accessible off-street parking spaces~~
- (1) ~~Single dwelling units and duplexes~~

- (A) ~~Single dwelling units shall provide off-street parking spaces per dwelling unit in accordance with Sections 142.0520 and 142.0560.~~
- (B) ~~Duplexes shall provide off-street parking spaces per dwelling unit in accordance with Sections 142.0525 and 142.0560.~~
- (C) ~~In addition to the required parking in Section 145.4004(d)(1)(A) or (B), an accessible off-street loading and unloading area shall be provided.~~
 - (i) ~~The minimum dimensions shall be 14 feet in width by 18 feet in depth with a maximum slope of one quarter inch per foot in any direction;~~
 - (ii) ~~The off-street loading area may be located within the private driveway and may encroach into the required setback area; and~~
 - (iii) ~~The loading area shall be connected to the dwelling unit via an accessible route of travel to an accessible entrance.~~
- (2) ~~Multiple dwelling unit development with three or more dwelling units shall provide off-street parking spaces in accordance with Sections 142.0525 and 142.0560 including required accessible off-street parking spaces in accordance with California Building Code Section 1109A as may be amended.~~

§145.4005 Tier II-Visitable Unit Design Standards

- (a) ~~The Tier II-Visitable Unit Design Standards are intended to create dwelling units that facilitate access to, and access within, the primary entry level of a dwelling unit for persons with temporary, developing, or permanent disabilities. The primary entry level of a Tier II-Visitable Unit shall include accessible routes of travel, an accessible entrance, and accessible common use spaces including a kitchen, a bathroom or half bathroom, and at least one common use room.~~
- (b) ~~At least one exterior accessible route of travel shall connect an accessible entrance to either the sidewalk or driveway.~~
 - (1) ~~A minimum width shall be provided in compliance with California Building Code Section 1113A.1.1 as may be amended.~~
 - (2) ~~A maximum slope less than 1 unit vertical and 12 units horizontal shall be provided with a maximum 2 percent cross slope.~~
 - (3) ~~A level landing area of 5 feet in length shall be provided for every 30 inches of rise in circumstances where the accessible route of travel would have a slope exceeding 5 percent.~~
 - (4) ~~Handrails are not required.~~
- (c) ~~At least one accessible entrance to the primary entry level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.~~
 - (1) ~~The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).~~

- (2) ~~The threshold shall be no higher than 0.5 inches (12.7 mm).~~
- (d) ~~In lieu of the requirements of Section 145.4005(c), the entrance for up to 50 percent of the eligible *dwelling units* may be designed to be adaptable for accessibility.~~

 - (1) ~~A maximum of 4 inches in step height shall be provided between the exterior and interior landings.~~
 - (2) ~~A minimum clear space of 12 inches in length for every 1 inch in step height shall be provided on the exterior side of the door to accommodate a future ramp.~~
 - (3) ~~The ramp clear space shall not overlap the exterior landing.~~
 - (4) ~~Interior and exterior landings shall provide a minimum length of 48 inches to the accessible route of travel.~~
 - (5) ~~The entry door shall provide a minimum net clear opening width of 32 inches.~~
- (e) ~~At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1119A as may be amended. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary entry level:~~

 - (1) ~~At least one bathroom or half bathroom;~~
 - (2) ~~The *kitchen*, and~~
 - (3) ~~Any common use rooms such as a living room or family room.~~
- (f) ~~A *kitchen* shall be provided on the primary entry level.~~

- (1) ~~The kitchen shall be accessible from the interior accessible route of travel.~~
- (2) ~~A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cook top, the kitchen sink, oven, dishwasher, and refrigerator/freezer.~~
- (3) ~~In lieu of the requirements of Section 145.4005, a kitchen with a pass-through design may provide a 39 inch wide or greater accessible route of travel to a range or cook top, kitchen sink, oven, dishwasher and refrigerator/freezer.~~
- (4) ~~Kitchen sink faucet controls shall use lever hardware or other similar hardware.~~
- (5) ~~A minimum linear length of 30 inches of countertop space shall be provided adjacent to the kitchen sink.~~
- (g) ~~At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary entry level, shall be provided.~~
 - (1) ~~The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Sections 1132A.5 and 1134A.4 as may be amended.~~

- (2) ~~Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and in the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.~~
- (3) ~~A minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the lavatory. Maneuvering spaces may include any knee space or toe space available below bathroom fixtures.~~
- (4) ~~A minimum clear space of 30 inches by 48 inches shall be provided for forward approach at the toilet.~~
- (5) ~~When provided, a minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the shower or bathtub.~~
- (6) ~~Faucet controls shall use lever hardware.~~
- (7) ~~Clear spaces at the sink, toilet and shower or bathtub may overlap or coincide to meet the minimum requirements.~~
- (h) ~~The accessible primary entry level shall include at least one common-use room such as a living room or family room.~~
- (i) ~~Accessible rooms located along the interior accessible route of travel and the accessible entrance to the primary entry level shall comply with the following requirements:~~
 - (1) ~~Doors~~
 - (A) ~~Doors shall have a minimum net clear opening width of 32 inches.~~

- (B) ~~Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required for all doors, except for pocket doors or sliding doors.~~
- (C) ~~Maximum effort to operate doors shall not exceed 8.5 pounds (38 N) for exterior doors and 5 pounds (22 N) for interior doors where applied at right angles to hinged doors, and at the center plane of sliding or folding doors. Compensating devices or automatic door operators may be utilized to meet these standards.~~
- (D) ~~Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.~~
- (2) ~~Electrical Outlets and Fixtures~~
 - (A) ~~Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.~~
 - (B) ~~Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.~~

§151.0401 Uses Permitted in the Planned Districts

- (a) [No change in text.]

- (b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of ~~transitional housing facilities and permanent supportive housing, which shall be permitted in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use~~ the following uses, which shall be permitted as a Process One construction permit in all planned district zones that permit the use as either a limited or conditional use:
- (1) Accessory Dwelling Units and Junior Accessory Dwelling Units shall be permitted in accordance with the regulations in Section 141.0302.
 - (2) Transitional housing facilities shall be permitted in accordance with the regulations in Section 141.0313.
 - (3) Permanent supportive housing shall be permitted in accordance with the regulations in Section 141.0315.
- (c) [No change in text.]
- (d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of Accessory Dwelling Unites, Junior Accessory Dwelling Units, transitional housing facilities and *permanent supportive housing*, which shall be permitted in accordance with Section 151.0401.

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development CodeSection 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and SeparatelyRegulated Uses]	Zone Designator	Zones									
	1st & 2nd >>>	CU-									
	3rd >>	1- ⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, <i>Single Dwelling Units</i>		[No change in text.]									
Separately Regulated Residential Uses											
<u>Accessory Dwelling Units</u>		<u>L</u>		<u>L</u>			<u>L</u>				
<u>Companion Units</u>		<u>L</u>		-			-				
Continuing Care Retirement Communities through Home Occupations		[No change in text.]									
<u>Junior Accessory Dwelling Units</u>		<u>L₂</u>		-			-				
Separately Regulated Residential Uses, Live/Work Quarters through Signs, Separately Regulated <i>Signs</i> Uses, Theater Marquee		[No change in text.]									

Footnotes for Table 155-02C

[No change in text.]

§-1516.0107 Administration and Permits

(a) through (c) [No change in text.]

Table 1516-01A
Type of Development Proposal and Applicable Regulations

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
1.	[No change in text.]		
2.	[No change in text.]		
3.	<ul style="list-style-type: none">• Re-roofing (where the existing roofing material, roof structure, or roof diaphragm is altered)• Repainting or recoloring of exterior surfaces where the existing exterior building color is altered• Any addition to or alteration of any non-historical structure which is <i>minor in scope</i>.• New construction of any non-habitable accessory structure that does not exceed 100 square feet in gross floor area and that would not be visible from the public right-of-way.• <u>Conversion of existing habitable or non-habitable areas to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, or the construction of an attached or detached Accessory Dwelling Unit, in accordance with Section 141.0302 and the applicable Sections of this Division.</u>	[No change in text.]	[No change in text.]
4.	[No change in text.]		
5.	[No change in text.]		
6.	[No change in text.]		

§-1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in

Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B
Use Regulations for Old Town Residential Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >> 3rd >> 4th >>	OTRS-	OTRM-			
		1-	1-	2-		
		1	1	1	2	
Open Space through Residential, Single Dwelling Units	[No change in text]					
Separately Regulated Residential Uses						
<u>Accessory Dwelling Units</u>	<u>L</u>		<u>L</u>	<u>L</u>		
Boarder & Lodger Accommodations	[No change in text]					
<u>Companion Units</u>	-		-	-		
Employee Housing through Housing for Senior Citizens	[No change in text]					
<u>Junior Accessory Dwelling Units</u>	- <u>L</u>		-	-		
Residential, Separately Regulated Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee	[No change in text]					

Footnotes for Table 1516-01B

[No change in text.]

§-1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones

The uses allowed in the Old Town San Diego Commercial zones are shown in
Table 1516-01D:

Legend for Table 1516-01D

[No change in text.]

Table 1516-01D
Use Regulations for Old Town Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd >>	OTCC-						OTMCR-		
	3rd >>	1-	2-		3-		1			
	4th >>	1	1	2	3	1	2	1	2	3
Open Space through Residential, Single Dwelling Units		[No change in text]								
Residential, Separately Regulated Residential Uses										
<u>Accessory Dwelling Units</u>		=	<u>L</u>		<u>L</u>		<u>L</u>			
Boarder & Lodger Accommodations		[No change in text.]								
Companion Units		-	-		-		-			
Employee Housing through Housing for Senior Citizens		[No change in text.]								
Junior Units <u>Junior Accessory Dwelling Units</u>		-	-		-		-			
Residential, Separately Regulated Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee		[No change in text.]								

Footnotes for Table 1516-01D

[No change in text.]

§-1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

Legend for Table 1516-01F

[No change in text.]

Table 1516-01F
Use Regulations for Old Town Open Space-Park Zones

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd>>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
Open Space through Residential, Single Dwelling Units		[No change in text]	
Separately Regulated Residential Uses			
<u>Accessory Dwelling Units</u>		=	=
Boarder & Lodger Accommodations		[No change in text]	
Companion Units		-	-
Employee Housing through Housing for Senior Citizens		[No change in text]	
<u>Junior Units</u> <u>Junior Accessory Dwelling Units</u>		-	-
Residential, Separately Regulated Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee		[No change in text]	

Footnotes for Table 1516-01F

[No change in text.]

§-1516.0131 Accessory Buildings for Old Town San Diego Residential Zones

(a) through (d) [No change in text.]

(e) Habitable accessory buildings may be permitted:

(1) to a single dwelling unit in accordance with Sections

~~141.0302 or~~ 141.0307, or

(2) [No change in text.]

LNH:jdf:cm
02/08/2022 REV.
02/08/2022 COR. COPY
12/14/2021
Or.Dept: Planning
Doc. No.: 2886846

Passed by the Council of The City of San Diego on MAR 01 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

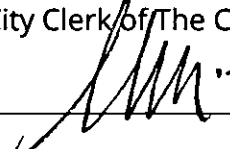
Date of final passage MAR 11 2022.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 08 2022, and on MAR 11 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21439